Deltagen Ref. No.: R-2243

REMARKS

Replacement sheets containing new Figures 5 and 6 have been submitted. The substitute Figures do not add or constitute new matter, and are supported by the application as originally filed.

The changes made to Figures 5 and 6 are in response to the "Notice to File Missing Parts of Nonprovisional Application". It was asserted that Figures 5 and 6 were not acceptable because the drawings must be reasonable free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. Applicant does not believe that the originally submitted drawings contained such informalities. However, Applicant has submitted the replacement drawings which have merely cleaned up the lines and shading to attempt compliance with the requirements set forth in 37 C.F.R. § 1.84 and 37 C.F.R. § 1.121 as requested in the Notice. No changes have been made to the data or information contained in the figures. As such, no new matter has been added in the replacement drawings.

Applicants request entry of the substitute drawings.

Respectfully submitted,

Date: 3chmany 5, 2003

Kelly L. Quast, Reg. No. 52,141

Deltagen, Inc. 1031 Bing Street San Carlos, CA 94070 Tel. (650) 569-5100 Fax (650) 569-5280

Enclosures

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence and its listed enclosures are being deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to: U.S. Patent and Trademark Office, Mail Stop Sequence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450, on **February 5, 2004**.

Signed:

Name: Don Mixon

Date: 2/5/05